

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Atty. Dkt.: 3999.002383

Shelley P. M. Fussey

1. The captioned patent application was filed claiming kits that comprise at least a first targeting agent-therapeutic agent construct that comprises at least a first targeting agent that binds to an aminophospholipid operatively attached to at least a first therapeutic agent. In the claimed kits, the targeting agent-therapeutic agent constructs are combined with either a targeting agent-detectable agent construct that also comprises a targeting agent that binds to an aminophospholipid, or with an anti-cancer agent.

2. The claimed targeting agent-therapeutic agent constructs include targeting agents that bind to the aminophospholipid, phosphatidylserine (PS); and targeting agents that bind to the aminophospholipid, phosphatidylethanolamine (PE). These targeting agents also include anti-aminophospholipid antibodies, such as anti-PS antibodies, and aminophospholipid binding proteins, such as annexins.

3. The captioned patent application was filed listing Philip E. Thorpe and Sophia Ran as joint inventors.

4. In response to an issue raised in an Official Action prepared by the U.S. Patent and Trademark Office (P.T.O.) in the captioned patent application, we have recently undertaken a review of our confidential records concerning the development of the invention disclosed and claimed in this application. In particular, we reviewed our confidential records to identify information for use in a declaration to establish a date of invention earlier than the date of a reference cited by the P.T.O.

5. During this review, we identified evidence to indicate that Rolf A. Brekken was also a joint inventor of certain claims in this application. Specifically, that Rolf A. Brekken was a joint inventor of claims directed to binding ligand compositions in which the targeting agent is an annexin, such as annexin V. A copy of one document indicating Rolf A. Brekken to be a joint inventor of certain claims in this application is attached as (**Exhibit A**, date redacted).

6. After identification of the document attached as **Exhibit A**, we discussed the matter of inventorship and consulted our representative handling the prosecution of this application. We informed our representatives that we believed Rolf A. Brekken to be a joint inventor of certain claims in this application, and that Rolf A. Brekken appeared to have been inadvertently omitted as a joint inventor when the application was filed.

7. During these analyses and discussions, it was determined that Rolf A. Brekken was a joint inventor of certain claims in the present application.

8. The original omission of Rolf A. Brekken as a co-inventor on the present application was an inadvertent oversight. This oversight occurred without deceptive intent on the part of Rolf A. Brekken, without deceptive intent on the part of Philip E. Thorpe and Sophia Ran, and to the best of our knowledge and belief, without deceptive intent on the part of all concerned with this application.

9. We hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

11/16/01
Date

11/16/01
Date

Date

Philip E. Thorpe
Philip E. Thorpe

Sophia Ran.
Sophia Ran

Rolf A. Brekken

Date

Philip E. Thorpe

Date

Sophia Ran

9/12/01

Date

Rolf A. Brekken

Rolf A. Brekken